

JUN 18 2004

OFFICIAL

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P. O. Box 272400  
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10007461-1

IN THE  
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Amy E. Battles

Confirmation No.: 1252

Application No.: 09/838,972

Examiner: Rahmjoo, Manucher

Filing Date: April 20, 2001

Group Art Unit: 2676

Title: PHOTO RANKING SYSTEM FOR CREATING DIGITAL ALBUM PAGES

Mail Stop Appeal Brief-Patents  
Commissioner For Patents  
PO Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL OF APPEAL BRIEF

Sir:

Transmitted herewith in triplicate is the Appeal Brief in this application with respect to the Notice of Appeal filed on April 21, 2004.

The fee for filing this Appeal Brief is (37 CFR 1.17(c)) \$330.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

( ) (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

( ) one month	\$110.00
( ) two months	\$420.00
( ) three months	\$950.00
( ) four months	\$1480.00

( ) The extension fee has already been filled in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$330.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

( ) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: \_\_\_\_\_

OR

(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (703) 872-8306 on June 18, 2004

Number of pages: 55

Typed Name: Ken J. Koestner

Signature: Ken J. Koestner

Rev 06/04 (Apb/brief)

Respectfully submitted,

Amy E. Battles

By Ken J. Koestner

Ken J. Koestner

Attorney/Agent for Applicant(s)  
Reg. No. 33,004

Date: June 18, 2004

Telephone No.: (949) 261-0260

### IX. APPENDIX

Claims remaining in the application are as follows:

1. (Original): A method for creating album pages for a user, comprising:  
displaying an image to the user;  
receiving information from the user for said image, said information comprising  
ranking information; and  
sizing said image based on said ranking information.
2. (Original): The method of claim 1, further comprising generating an album page  
including said sized image.
3. (Original): The method of claim 2, further comprising printing said album page.
4. (Original): The method of claim 1, wherein said image is a photographic image.
5. (Original): The method of claim 1, wherein said image is stored as image data,  
further comprising storing said ranking information in association with said image data
6. (Original): The method of claim 5, further comprising repeating said displaying  
and said receiving for a plurality of images, before said sizing.
7. (Original): The method of claim 6, wherein said sizing comprises sizing to zero  
all images associated with ranking information having a value less than a particular value.
8. (Original): The method of claim 7, further comprising generating an album page  
that excludes said images sized to zero.
9. (Original): The method of claim 1, wherein said ranking information has one of a  
plurality of discrete values.
10. (Original): The method of claim 9, wherein said sizing comprises  
selecting a discrete image size corresponding to said ranking information.

11. (Original): The method of claim 1, wherein said ranking information is received from a keyboard.

12. (Original): The method of claim 1, wherein said ranking information is received from a mouse.

13. (Original): The method of claim 1, wherein said ranking information is received from a selection control.

14. (Original): A method for creating album pages for a user, comprising:  
displaying to the user a photographic image, said photographic image stored as image data;  
receiving information from the user for said photographic image, said input comprising ranking information having one of a plurality of discrete values;  
storing said ranking information in association with said image data;  
repeating said displaying, receiving and storing steps for a plurality of photographic images;  
sizing said photographic images by selecting a discrete image size corresponding to said ranking information;  
generating at least one album page comprising said sized photographic images; and  
printing said at least one album page.

15. (Original): A digital camera, comprising:  
a camera processor;  
a camera storage device electrically connected to said camera processor;  
a camera display electrically connected to said camera processor; and  
at least one ranking control electrically connected to said camera processor, whereby a user utilizes said ranking control to select a ranking for an image shown on said camera display.

16. (Original): The digital camera of claim 15, further comprising an enter control electrically connected to said camera processor.

17. (Original): The digital camera of claim 15, wherein said at least one ranking control controls a cursor on said camera display.

18. (Original): The digital camera of claim 15, wherein said at least one ranking control controls highlighting of a ranking option on said camera display.

19. (Original): A computer program product, comprising instructions for displaying an image to the user; instructions for receiving information from the user for said image, said information comprising ranking information; and instructions for storing said ranking information in association with said image.

20. (Original): The computer program product of claim 19, further comprising instructions for sizing said image based on said ranking information.

21. (Previously Presented): An article of manufacture comprising:  
a processor usable medium having a computable readable program code embodied therein for arranging at least one pictorial image for display on a pictorial album page, the computable readable program code further comprising:  
a computable readable program code capable of causing the processor to display a pictorial image;  
a computable readable program code capable of causing the processor to interactively receive ranking information that ranks the displayed image relative to other images;  
a computable readable program code capable of causing the processor to size the displayed image based on the ranking information; and  
a computable readable program code capable of causing the processor to generate an album page image containing the sized image.

22. (Previously Presented): The article of manufacture according to Claim 21 further comprising:  
a computable readable program code capable of causing the processor to rank the displayed image relative to other images based on a criterion of subjective value to a user.

23. (Previously Presented): The article of manufacture according to Claim 21 further comprising:

a computable readable program code capable of causing the processor to receive interactively assigned ranking information for a plurality of pictorial images, generating a ranking data block for each of the plurality of pictorial images, and associating the ranking data block with an image data block for each of the plurality of pictorial images.

24. (Previously Presented): The article of manufacture according to Claim 21 further comprising:

a computable readable program code capable of causing the processor to print the album page image via a printer;  
a computable readable program code capable of causing the processor to store the album page image for viewing on a display; and  
a computable readable program code capable of causing the processor to transmit the album page image to a web server and/or web host via a communications interface.

25. (Previously Presented): The article of manufacture according to Claim 21 further comprising:

a computable readable program code capable of causing the processor to receive interactively assigned ranking information for a plurality of pictorial images, size the plurality of pictorial images, and generate at least one album page with the plurality of sized pictorial images arranged in chronological or numerical order.

26. (Previously Presented): The article of manufacture according to Claim 21 further comprising:

a computable readable program code capable of causing the processor to receive interactively assigned ranking information for a plurality of pictorial images, size the plurality of pictorial images, and generate at least one album page with the plurality of sized pictorial images arranged in to optimize image layout and reduce wasted space.

27. (Previously Presented): The article of manufacture according to Claim 21 further comprising:

a computable readable program code capable of causing the processor to receive interactively assigned ranking information for a plurality of pictorial images, size the plurality of pictorial images, and generate individual album page images so that only the plurality of sized pictorial images for the individual album page are sized before the album page is generated.

28. (Previously Presented): An article of manufacture comprising:

a processor usable medium having a computable readable program code embodied therein for arranging at least one pictorial image for display on a pictorial album page, the computable readable program code further comprising:  
a computable readable program code capable of causing the processor to individually display a plurality of pictorial images;  
a computable readable program code capable of causing the processor to interactively receive ranking information for the plurality of pictorial images upon display of the individual pictorial images, the pictorial images being mutually relatively ranked;  
a computable readable program code capable of causing the processor to size the plurality of displayed images based on the ranking information;  
and  
a computable readable program code capable of causing the processor to generate at least one album page image, each containing at least one of the sized pictorial images.

29. (Previously Presented): The article of manufacture according to Claim 28 further comprising:

a computable readable program code capable of causing the processor to generate at least one album page with the plurality of sized pictorial images arranged in chronological or numerical order.

30. (Previously Presented): The article of manufacture according to Claim 28 further comprising:

a computable readable program code capable of causing the processor to generate at least one album page with the plurality of sized pictorial images arranged in to optimize image layout and reduce wasted space.

31. (Previously Presented): The article of manufacture according to Claim 28 further comprising:

a computable readable program code capable of causing the processor to generate individual album page images so that only the plurality of sized pictorial images for the individual album page are sized before the album page is generated.

CONF